

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 17, 2009. Claims 1 to 18, 20, 39 and 58 are in the application, of which Claims 1, 20, 39 and 58 are independent. Reconsideration and further examination are respectfully requested.

The Office Action entered a rejection of all claims under 35 U.S.C. § 103(a), primarily over U.S. Patent 6,417,931 (Mori), U.S. Patent 6,023,714 (Hill) and U.S. Patent 5,625,758 (Schneider). In addition, Claim 17 was rejected further in view of U.S. Patent 5,699,450 (Steams).

In response, the independent claims herein have been amended to include some of the subject matter of dependent Claim 17. In addition, to simplify the issues, only a single set of dependent claims has been retained, for independent Claim 1, and claims depending from independent Claims 20, 39 and 58 have all been canceled. Cancellation is without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejections entered against them. Accordingly, this should be viewed as a traversal of the rejections, as detailed more fully below.

The rejected claims concern the arrangement of print data according to a layout for the print data, wherein the print data is printed by a printer onto a recording medium, and in which the recording medium is thereafter processed by a target device. The target device is different from the printer. In example embodiments described in the

specification, for example, the printer is a color printer, whereas the target device is a color measuring device.

The claims are further directed to an arrangement in which the printable areas on the recording medium are based on commonality between two different types of areas: valid areas, and printable areas. Valid areas are areas on the recording medium on which the printer can print. Printable areas are areas on the recording medium for which the target device has processing capabilities for processing properly.

As an example, when the target device is a color measuring device, then the printable areas that are processed properly are those areas in which color patches must be printed by the printer in order to be processed by the color measuring device.

The layout of the print data is determined based on compatible capabilities between the printing capabilities of the printer and the processing capabilities of the target device. Here, processing capabilities of the target device include (a) a designation of the printable area on the recording medium for which the target device has processing capabilities for processing properly, and (b) a minimum distance of separation between color patches and a minimum size for the color patches.

The applied art is not seen to disclose or to suggest the arrangement set out in the claims herein. In particular, the applied art is not seen to disclose or to suggest at least the claimed features wherein the target device is a color measuring device, and processing capabilities thereof include a minimum distance of separation between color patches and minimum size for the color patches. In addition, the applied art is not seen to disclose or to suggest at least the features of determining the layout of the print data based

on compatible capabilities between the printing capabilities of the printer and the processing capabilities of the target device, wherein the layout is characterized by an area on the recording medium that is common between the valid area designated by the printing capabilities and a printable area designated by the processing capabilities that is properly processable by the target device.

In entering the rejection of dependent Claim 17, the Office Action took the position that Schneider, in the paragraph bridging columns 5 and 6, includes disclosure of printout for various color patches. See Office Action, page 8. The portions of Schneider cited by the Office Action read as follows:

"If the printing process is controlled mechanically, control elements (color measurement fields for adjusting color and various marks for regulating the different registers) are required, as was already mentioned. These elements can be incorporated in the printing expressly for this purpose or certain areas of the subject may be used for this purpose. Information about these control elements is obtained from the preliminary stage. When imposition is effected electronically, the specific measurement elements are so arranged that position and location are known. This information is transmitted to the printing press. In measuring the subject matter, each page is evaluated in the preliminary stage on a list of typical image parts and the type of control element, position coordinates and dimensions and tolerances to be measured are sent to the press. Examples of suitable measurement fields include locations with negative type for regulating the register and, in offset printing, half-tone areas in one color or a plurality of colors which are printed one on top of the other and whose hue values on a given minimum surface area remain within predetermined tolerances." Schneider, col. 5, line 54, through col. 6, line 6.

It is apparent that the cited portion of Schneider merely discloses the printout of alignment marks to permit proper registration of each different color layer, as well as the printout of color measurement fields for adjusting color. Such a disclosure is

not seen to be pertinent to the claim language, which refers to a target device being a color measuring device, and which refers to processing capabilities thereof including a minimum distance of separation between color patches and minimum size for the color patches.

Moreover, it is again respectfully stressed that nothing in the applied art is seen to disclose a determination of layout of print data based on compatible capabilities between the printing capabilities of a printer and the processing capabilities of a target device, wherein the layout is characterized by an area on the recording medium that is common between the valid area designated by the printing capabilities and a printable area designated by the processing capabilities that is properly processable by the target device.

As a consequence of the arrangement set out in the claims herein, it becomes possible to determine a layout of print data which can be read by a color measuring device as the target device, by using the processing capabilities of the target device including a minimum distance of separation between color patches and minimum size for the color patches. It further becomes possible to determine the most appropriate layout of the print data for each color measuring device, when various different types of color measuring devices might be used at the target device.

But as noted above, the applied art is not seen to disclose or to suggest anything pertinent to the above features of the claims herein. As a consequence, therefore, even in the combination proposed in the Office Action, the applied art would not result in the advantageous effects obtained by the claims herein.

It is therefore respectfully submitted that the claims herein are fully in condition for allowance, and such action is courteously solicited.

Moreover, it is respectfully submitted that entry of this Amendment is proper, despite finality of the current rejection. In particular, it is noted that amendments herein relate to the subject matter of Claim 17. This subject matter has already been considered by the Examiner, such that entry of the amendment would not raise significant new issues nor require undue consideration. As such, entry is seen to be proper, and entry is respectfully requested.

Finally, it is further respectfully requested to rejoin Claims 8 to 12, which have been withdrawn from examination pursuant to a requirement for election. In this regard, all of Claims 8 to 12 are written in dependent form, such that rejoinder is seen as appropriate pursuant to MPEP § 821, *et seq.*

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCHS_WS 4246149v1